

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TOMMIE LEE McDOWELL, JR.,)	3:09-CV-0315-LRH (VPC)
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	June 18, 2010
)	
RICHARD RIMINGTON,)	
)	
Defendant.)	
_____)	

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PETITIONER(S): NONE APPEARING

COUNSEL FOR RESPONDENT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Defendants have filed a motion (#34) to strike docket #32 which is pro se plaintiff's counterclaim to defendant's answer to complaint. The court has reviewed docket #32 and construes the document as a response to defendants' answer. FRCP 7(a) does not allow additional pleadings to be filed absent a court order. There is no court order allowing the plaintiff to file such a response to defendants' answer to civil rights complaint. Therefore, defendants' motion to strike docket #32 (#34) is **GRANTED**. The Clerk shall **STRIKE** docket #32 from the record.

In addition, plaintiff filed a motion for activation of the April 26, 2010 amended complaint (#28). On April 19, 2010, plaintiff's motion for leave to file an amended complaint was denied without prejudice (#25) because plaintiff failed to attach the proposed amended complaint to his motion for leave to amend as required by Local Rule 15-1. Rather than file a new motion for leave to amend with the proposed amended complaint attached, plaintiff simply file an amended complaint with the Clerk (#28). Plaintiff's motion for activation of the April 26, 2010 amended complaint (#36) is **DENIED** and the amended complaint (#28) shall be **STRICKEN**.

If plaintiff seeks to file a motion for leave to amend, he must file the motion with the proposed amended complaint attached. Once again, the Clerk shall send to plaintiff a blank form for filing a civil rights complaint pursuant to 42 U.S.C. § 1983. Plaintiff is advised that pursuant to Local Rule 15-1, the amended complaint shall be complete in itself without reference to the previous

complaint. Plaintiff shall write the word “amended” above the title “civil rights complaint” on the form. This form shall be attached to a motion for leave to file amended complaint. Defendants will then have the opportunity to file a response to said motion and plaintiff may file a reply. Thereafter, the court will determine if plaintiff will be allowed to file an amended complaint.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____/s/_____
Deputy Clerk